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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,274	10/25/2000	Robert P. St. Pierre	SMQ-036	4372

959 7590 04/10/2003

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,274

Applicant(s)

ST. PIERRE, ROBERT P.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13 and 17-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Saito et al. (US Patent Number 6480889).

Regarding claims 1 and 17, Humpleman discloses a medium for use with a remote control device having a network interface with a network, said network having additional devices interfaced with the network (see col. 2, lines 39-43), said medium holding computer-executable instructions for performing a method comprising the steps of: retrieving dynamically the command codes of said network attached device with a protocol (see col. 2, lines 52-55; and 46-48); and with the protocol, controlling the operations of said network attached device by means of said dynamically retrieved command codes (see col. 2, lines 48-51); providing additional network attached devices (see col. 8, lines 50-64). Humpleman is silent to disclose providing the protocol to enable said remote control device to dynamically locate, and identify a network attached device. However, Saito discloses providing the protocol to enable said remote control device to dynamically locate, and identify a network attached device (see col. 3, lines 29-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the above teaching of Saito to Humpleman so that user can recognize and control devices which user wants to use.

Regarding claims 2 and 18, Humpleman also discloses wherein said method further comprises the steps of: with the protocol, sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51).

Regarding claim 3, Humpleman discloses a method modified by Saito comprising all of the limitations as claimed above. Saito also discloses said method further comprises the steps of: with the protocol, dynamically locating and identifying multiple network attached devices with the remote control device (see col. 3, lines 29-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Saito to Humpleman so that user can recognize and control devices which user wants to use.

Regarding claim 4, Humpleman also discloses said method further comprises the steps of with the protocol, controlling the operations of multiple network attached devices with the remote control device (see fig. 3; col. 2, lines 52-55)

Regarding claim 5, Humpleman also discloses said method further comprises the steps of: with the protocol, said remote control requesting and receiving a list of command codes from a network attached device (see fig. 24).

Regarding claim 6, Humpleman also discloses said method further comprises the steps of: with the protocol, sending received command codes to said network attached device from the remote control device (see col. 2, lines 48-51).

Regarding claims 7 and 8, Humpleman also discloses said method further comprises the steps of: with the protocol, displaying on the display surface of said remote control a list of the

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network attached devices available to a user (see col. 8, lines 37-40; and 48-54); selecting a device to control from among those listed on the display surface of the remote control device by a user of the remote control device (see col. 8, lines 37-40; and 48-54).

Regarding claim 9, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device receiving a request for its command codes from said remote control device (see col. 8, lines 50-59); with the protocol, said network attached device providing said command codes to the remote control device (see col. 8, lines 50-59).

Regarding claim 10, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device providing its command codes and an associated text string for each code to the remote control device in response to a request from the remote control device (see col. 8, lines 28-34).

Regarding claim 11, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see col. 10, lines 28-34).

Regarding claim 12, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see explanation in claims 10 and 11).

Regarding claim 13, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device receiving and executing one of its command codes from said remote control device (see col. 8, lines 56-63).

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2. Claims 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Saito et al. (US Patent Number 6480889) and further in view of Joao (US Patent Number 6542076).

Regarding claim 14, Humpleman discloses in a remote control device having a network interface with a network, said network having additional devices interfaced with the network (see col. 2, lines 39-43), a method comprising the steps of: with the protocol, said remote controls device controlling the operations of said network attached device by means of command codes dynamically retrieved command codes (see col. 2, lines 48-55; and 46-48)). Humpleman is silent to disclose said network being located within a motor vehicle; and providing the protocol to enable said remote control device to dynamically locate, and identify a network attached device. However, Saito discloses providing the protocol to enable said remote control device to dynamically locate, and identify a network attached device (see col. 3, lines 29-34). And Joao discloses a remote control device communicate with a second device via a network located within a motor vehicle (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Saito and Joao to Humpleman in order to control equipment system, device and appliance in a vehicle.

Regarding claim 15, Humpleman also discloses wherein said method further comprises the steps of: with the protocol, sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51)

Regarding claim 19, Humpleman discloses a medium for use with a remote control device modified by Saito comprising all of the limitations as claimed above. They are silent to disclose said network is located in a motor vehicle. However, Joao discloses the network is

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located in a motor vehicle (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Saito and Joao to Humpleman in order to control equipment system, device and appliance in a vehicle.

3. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Saito et al. (US Patent Number 6480889) and further in view of Joao (US Patent Number 6542076) and Schneider et al. (US Patent Number 6304895)

Regarding claims 16, Humpleman discloses a method modified by Saito and Joao comprising all of the limitations as claimed. They are silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schneider to Saito, Joao and Humpleman in order to be easy for user to use the remote control device.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Saito et al. (US Patent Number 6480889) and further in view of Schneider et al. (US Patent Number 6304895)

Regarding claim 20, Humpleman discloses a method modified by Saito comprising all of the limitations as claimed. They are silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schneider to Saito and Humpleman in order to be easy for user to use the remote control device.

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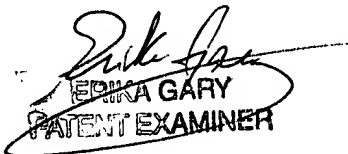
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN David Nguyen
April 4, 2003


ERIKA GARY
PATENT EXAMINER